

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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THE ESTATE OF KEVIN PLOOF,

Plaintiff,

v.

No. 1:08-CV-593  
(DNH/DRH)

CSX TRANSPORTATION, INC.

Defendant.  
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**JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT**

The Court has been advised by United States Magistrate Judge David R. Homer that the parties in the above-captioned case have reported to him that the case has been settled. Counsel has also advised Judge Homer that no infant or incompetent is a party to this action. Accordingly, pursuant to N.D.N.Y.L.R. 68.2(a), it is hereby

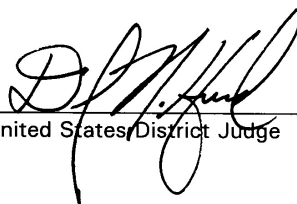
**ORDERED** that:

1. The above-captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion of any party within forty-five (45) days of the date of the filing of this order upon a showing that the settlement was not consummated;
2. The dismissal of the above-captioned case shall become **with prejudice** on the forty-sixth day after the date of the filing of this order unless any party moves to re-open this case within forty-five (45) days of the date of the filing of this order upon a showing that the settlement was not consummated;

3. The Clerk shall serve by electronic mail copies of this Judgment upon the attorneys for the parties appearing in this action.

**IT IS SO ORDERED.**

DATED: March 10, 2009  
Utica, New York



United States District Judge